



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • <http://www.aqmd.gov>

## NOTICE TO COMPLY

Date Issued: \_\_\_\_\_

Company Name: \_\_\_\_\_ Facility ID: \_\_\_\_\_

Equipment location: \_\_\_\_\_

Served to: \_\_\_\_\_

Served by: \_\_\_\_\_

You have contacted the South Coast Air Quality Management District (AQMD) and requested that your gasoline dispensing facility (GDF) participate in a group Stipulated Order for Abatement (SOA) which will provide additional time to complete installation of an In-Station Diagnostic System (ISD) required under state law and AQMD Rules and Regulations. Therefore, **PURSUANT TO RULE 461 – GASOLINE TRANSFER AND DISPENSING AND HEALTH AND SAFETY CODE § 42303 – REQUESTS FOR INFORMATION, YOU ARE DIRECTED TO COMPLETE ONE OF THE FOLLOWING, ON OR BEFORE October 1, 2010:**

1. If the above GDF has been upgraded to a certified Phase II Enhanced Vapor Recovery (EVR) system and installed an ISD system to monitor EVR performance on or before October 1, 2010, complete and submit the attached Statement of Full Compliance (copies attached); OR
2. If the above GDF has been upgraded and installs a certified ISD system AFTER October 1, 2010 but on or before October 31, 2010, submit a completed Declaration of Gas Dispensing Facility and Statement of Full Compliance (copies attached); OR
3. If the above GDF has **NOT** been upgraded with a certified ISD system by October 31, 2010, the GDF shall submit a completed Declaration of Gas Dispensing Facility and an executed Settlement Agreement (copies attached) on the following terms and conditions:
  - a. No penalty will be assessed if the GDF installs and successfully tests a certified ISD system and submits a Statement of Full Compliance (copies attached) before October 31, 2010; OR
  - b. A penalty of \$500 shall be immediately due and payable once the GDF installs and successfully tests a certified ISD system and submits a Statement of Full Compliance (copies attached) after October 31, 2010 through December 31, 2010; OR
  - c. A penalty of \$1,000 shall be immediately due and payable once the GDF installs and successfully tests a certified ISD system and submits a Statement of Full Compliance (copies attached) after December 31, 2010 through March 1, 2011.

Failure to comply with the above by the deadline may subject you to criminal and civil penalties of up to \$25,000 per day. In addition, your equipment may be tagged out of service. Please note that submission of a false statement may subject you to civil penalties of up to \$35,000.

See reverse for further information.

### On or before October 1, 2010:

- The owner/responsible officer of the facility must return a copy of this document (postmarked by October 1) with the applicable documents mentioned above to:

**District Prosecutors Office**

**In-Station Diagnostic**

South Coast Air Quality Management District

21865 Copley Dr.

Diamond Bar, CA 91765-0941

## **Background**

State law requires that all retail and non-retail GDFs with underground storage tanks and an annual throughput rate of 600,000 gallons of gasoline or more but less than 1,800,000 gallons be equipped with a certified ISD system to monitor performances of fuel storage, fuel dispensing and vapor recovery equipment by September 1, 2010. Many operators have already completed the upgrade and are in full compliance with these latest requirements. Others have experienced delays in the upgrade processes even though they are in compliance with the requirement for EVR which came into effect April 1, 2009. AQMD issued a compliance advisory (Rule 461 Advisory 01-10) to remind operators of the upcoming deadline and to contact AQMD if they are experiencing difficulties in meeting the September 1, 2010 deadline for ISD.

In accordance with the advisory (Special Advisory # 419) issued by the California Air Resources Board (CARB) on September 29, 2010, the AQMD will petition the AQMD Hearing Board for a group SOA as described below to allow additional time for facilities, which are subject to, but have not complied with the ISD requirement by September 1, 2010, to complete the installation and testing of the required equipment. A copy of Advisory # 419 is attached. Subject facilities that continue to operate without a certified ISD and are not part of the group SOA will be subject to statutory civil penalties of \$25,000 or more per day, and their equipment may be tagged out of service. The details of the group SOA and the process to participate in the group SOA are described below.

## **Stipulated Order for Abatement**

A facility wishing to participate in the group SOA must complete and submit a Declaration of Gas Dispensing Facility and a Settlement Agreement. The group SOA if issued, will allow facilities up to March 1, 2011 to complete installation and testing of the required ISD system. A completed Settlement Agreement is also required to resolve the on-going violation of the ISD requirement through the compliance date or March 1, 2011, whichever occurs first. There will not be any monetary penalty for facilities that come into FULL compliance with the requirement on or before November 1, 2010. Facilities will be subject to a penalty of \$500 if compliance is achieved on or before December 31, 2010 or a penalty of \$ 1,000 if compliance is achieved after December 31, 2010.

As of September 1, 2010, no ISD system has been certified for equipment covered under CARB Executive Orders VR-205 and VR 209. Under the group SOA, facilities currently permitted to operate Phase II EVR equipment covered under these two CARB Executive Orders will be allowed 3 months from the date an ISD system is certified by CARB for the corresponding Phase II EVR system to comply with the ISD requirement. There will not be any monetary penalty for these facilities that come into FULL compliance with the requirement within 2 months of the certification date of the applicable ISD. Facilities will be subject to a penalty of \$500 if compliance is achieved after 2 months of the certification date of the applicable ISD. Facilities permitted to operate Phase II EVR equipment covered under CARB Executive Orders VR-205 and VR209 that do not achieve compliance within 3 months of the certification date of the applicable ISD may be tagged out of service and subject to criminal and civil penalties.

Operation without the required ISD system beyond the applicable deadline as stated above may subject the GDF to criminal and civil penalties of up to \$25,000 per day. In addition, your equipment may be tagged out of service. Please also note that submission of a false statement may subject you to civil penalties of up to \$35,000.



Number 419

September 2010

#### **POLICY FOR SERVICE STATIONS NOT MEETING THE SEPTEMBER 1, 2010 IN-STATION DIAGNOSTIC (ISD) DEADLINE**

Enhanced Vapor Recovery (EVR) regulations approved by the Board in March 2000 required service stations (Gasoline Dispensing Facilities or GDFs) with annual throughputs between 600,000 gallons and 1.8 million gallons to install In-Station Diagnostic (ISD) equipment by September 1, 2010. ISD is designed to monitor the collection and containment of vapors by vapor recovery systems and triggers alarms when malfunctions or failures occur. Substantial progress has been made by the affected GDFs to comply with this deadline. As of early August 2010, the Air Resources Board estimates that over 88 percent of the approximately 5,500 GDFs subject to the September 1, 2010 deadline have completed or are on the path to completing ISD installation.

The Air Resources Board and local air districts have reached agreement on the conditions enabling non-compliant GDF operators to remain in operation after the September 1, 2010 ISD installation deadline. Also, the districts may elect to take enforcement action, including penalties, if appropriate, against any facility that is subject to and fails to install ISD prior to the September 1, 2010 deadline. The districts will only allow non-compliant GDFs to continue operating under a compliance plan requiring the GDF to submit: (1) a local air district permit application for installation; and (2) a signed stipulated order of abatement, or enforcement or compliance agreement. These agreements must be signed by October 1, 2010, unless another date is determined by the local air district, and are the only terms under which GDFs shall continue to operate while completing installation of ISD by the following deadlines:

#### **1) GDFs with Certified Phase II EVR and Certified ISD**

ISD systems are currently certified for the Healy Phase II EVR System, VST Phase II EVR System, and EMCO Wheaton Phase II EVR System. GDFs with one of these three Phase II systems installed must complete the ISD installation by March 1, 2011.

#### **2) GDFs with Certified Phase II EVR and No Certified ISD**

ISD systems are not currently certified for the VST Phase II EVR System with Hirt VCS100 and VST Phase II EVR System with Franklin Fueling System Clean Air Separator (CAS). ISD installation for GDFs with either of these two Phase II Systems must complete its ISD installation within three months from the date when the applicable Phase II System is certified with ISD.

**GDFs must sign a stipulated order of abatement or enforcement or compliance agreement prior to October 1, 2010, unless another date is determined by the local air district, in order to be eligible to operate temporarily without the required ISD installation.** For those GDFs currently operating under a stipulated order of abatement or enforcement or compliance agreement, the GDF can continue to operate in accordance with the district's compliance plan.

Exceptions for the above deadlines:

1. **Ozone Attainment Areas:** Existing GDFs located in air districts currently in attainment with the state ozone standard are exempt from ISD requirements. New GDFs and those undergoing major modifications are not exempt. Impacted counties are Northern Sonoma County Air Pollution Control District portion of Sonoma, Lake, Mendocino, Del Norte, Humboldt, and Trinity counties.
2. **Exemptions:** GDFs with annual throughputs less than or equal to 600,000 gallons are not required to install ISD equipment.
3. **ISD Deadline of July 2011:** GDFs located in air districts that were re-designated nonattainment for ozone by the Air Resources Board in 2006 have until July 26, 2011 to complete their installations. Impacted counties are Siskiyou and San Luis Obispo.

If you have any questions regarding this advisory, please contact Mr. Ranjit Bhullar by phone at (916) 327-0900 or by email at [rbhullar@arb.ca.gov](mailto:rbhullar@arb.ca.gov).

California Air Resources Board  
Monitoring and Laboratory Division  
P.O. Box 2815  
Sacramento, CA 95812

## **INSTRUCTIONS AND EXPLANATIONS**

### **The Process**

#### **Initial step:**

The first step in the process is to have an authorized officer of the GDF read and understand all the attached documents, decide whether or not to participate in this process, and fill out completely and sign the following documents:

1. Declaration of Gas Dispensing Facility, and
2. Settlement Agreement.

The information you provide in these documents should be checked carefully for any errors as inaccurate information may be grounds for voiding the Settlement Agreement and the SOA. (Note: explanation for each document is provided below).

After fully completing these documents, they may be submitted by mail or in person. Keep a copy of the documents for your records and reference. Once the properly completed documents are received, your GDF will be scheduled for the next available hearing date for the SOA. You need not appear at the hearing.

#### **Operating while not fully in compliance:**

The GDF is reminded that it must operate its equipment according to the applicable CARB Executive Order and the terms of the permit issued for the equipment. The Settlement Agreement does not provide any exception to proper operation of the equipment. The AQMD continues to conduct compliance inspections and will take appropriate enforcement actions if violations are observed. Failure to comply with the terms of the SOA or the settlement agreement may subject you to criminal and civil penalties of up to \$25,000 per day. In addition, your equipment may be tagged out of service. Please note that submission of a false statement may subject you to civil penalties of up to \$35,000.

#### **Voided Settlement Agreement:**

In case the Settlement Agreement is voided, the GDF may be prosecuted for the full amount of penalties (maximum of \$25,000 per day or higher) allowed under the law as well as the possible tag-out or shut-down of the GDF.

#### **Notifying the AQMD of full compliance:**

After the installation of the ISD system, the system must be tested pursuant to the CARB Executive Order under which the system is certified. AQMD rules require such test be performed within ten days after the system starts dispensing fuel. Full compliance with ISD requirements is achieved by passing all the required tests. Once this is achieved, the GDF completes the compliance notification included in the package and sends it to the address provided. Submittal by e-mail is preferred and will speed up the process. No GDF is allowed to operate without ISD system equipment past March 1, 2011 (or 3 months from the date an ISD system is certified for facilities currently permitted to operate Phase II EVR equipment covered under CARB Executive Orders VR-205 and VR209) under the Settlement Agreement and the SOA. The Hearing Board will retain jurisdiction of the case past March 1, 2011 to exercise its authority over those GDFs that fail to comply by this date.

#### **Contact Information for question and status inquiries:**

Web page: [http://www.aqmd.gov/comply/Rule461/Useful\\_doc/Advisory01-10.htm](http://www.aqmd.gov/comply/Rule461/Useful_doc/Advisory01-10.htm)

Telephone Number: (909) 396-3546

**Submittal addresses:**

E-mail address for scanned documents: evrstipulatedoa@aqmd.gov

Fax Number: (909) 396-2481

Address:

ATTN: In-Station Diagnostic  
District Prosecutor's Office  
SCAQMD  
21865 Copley Drive  
Diamond Bar, CA 91765-9819

**Description and Explanation for Enclosed Documents****PETITION FOR STIPULATED GROUP ORDER FOR ABATEMENT ("Petition")  
AND PROPOSED ORDER FOR ABATEMENT**

This document was filed by the District to initiate a formal and public proceeding before its administrative Hearing Board, which typically consists of 5 Board members, to have them issue the attached Proposed Order against your GDF. The Order is needed to extend the GDF's September 1, 2010 deadline to March 1, 2011 (or 3 months from the date an ISD system is certified for facilities currently permitted to operate Phase II EVR equipment covered under CARB Executive Orders VR-205 and VR209). The GDF is not being sued by the AQMD. The GDF is being asked to voluntarily participate in this administrative process to extend your deadline. In order for the Hearing Board to issue the Order, the GDF needs to fill out the Declaration described below. As a result, you should:

- 1) Determine who the appropriate person in charge of the GDF that has the authority to make binding agreements on its behalf is.
- 2) Have that person carefully review the Petition and the Proposed Order.
- 3) From this point on in these instructions, that person will be referred to as "You."

**DECLARATION OF GAS DISPENSING FACILITY ("Declaration")**

This document will be filed with the Hearing Board and provides it with the basis to issue the Proposed SOA on its consent calendar. You are being asked to agree to certain facts and conditions, which will enable the Hearing Board to proceed without a hearing and without your presence to issue the Proposed Order. You should:

- 1) Carefully review and accurately fill out the blanks in this document.
- 2) Date and sign this Declaration under penalty of perjury and fill out the city in which this Declaration was signed. If the city is not in the state of California, you may write in the correct state.

## **SETTLEMENT AGREEMENT (“Agreement”)**

This document is a binding agreement between you and the AQMD. It is the document that enables your GDF to operate beyond September 1, 2010 in violation of both state and AQMD requirements without being tagged out and without being subject to penalties greater than that specified in the Agreement, as allowed under state law. However, you need to comply with all the terms of the Agreement in order to gain this protection. This Agreement only protects your GDF until March 1, 2011 (or 3 months from the date an ISD system is certified for facilities currently permitted to operate Phase II EVR equipment covered under CARB Executive Orders VR-205 and VR209). You should:

- 1) Carefully review and accurately fill out the blanks in this document.
- 2) Pay the applicable penalty.
- 3) Notify the AQMD within 5 calendar days of achieving full compliance by completing the enclosed Statement of Full Compliance and faxing it to the AQMD.
- 4) Sign, and date the Agreement making sure that the name of the GDF is correct.

## **STATEMENT OF FULL COMPLIANCE**

This document is for notifying the AQMD that your GDF has been retrofitted with a certified ISD system AND has been successfully tested in accordance with the Executive Order under which the installed system is certified by CARB. Complete, sign and submit this statement within five (5) days after the passing tests. Submittal may be by fax, e-mail or postal mail.

The AQMD may conduct inspections to confirm your full compliance status. Illegal operations at the GDF can be prosecuted for the full amount of penalties (maximum of \$25,000 per day or higher) allowed under the law as well as the possible tag-out or shut-down of the GDF. You must still do the following: 1) complete the Declaration; and 2) notify the AQMD within five days after achieving final compliance with P-II EVR ISD Requirements using the Statement of Full Compliance.

## **DEADLINE**

The deadline for submitting the Declaration and the Settlement Agreement is October 1, 2010. If mailed, a postmark of October 1 is acceptable.

OFFICE OF THE DISTRICT PROSECUTOR  
 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
 NICHOLAS A. SANCHEZ, SBN 207998  
 SENIOR DEPUTY DISTRICT PROSECUTOR  
 Email: nsanchez@aqmd.gov  
 21865 Copley Drive  
 Diamond Bar, California 91765  
 TEL: 909.396.3400 • FAX: 909.396.2961

Attorneys for Petitioner  
 South Coast Air Quality Management District

BEFORE THE HEARING BOARD OF THE  
 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

In the Matter of

SOUTH COAST AIR QUALITY  
 MANAGEMENT DISTRICT,

Petitioner,

vs.

Gas Dispensing Facilities, Does 1-100

Respondents.

Case No.

**DECLARATION OF GAS DISPENSING  
 FACILITY**

DATE:

TIME: 9:00 a.m.

PLACE: 21865 Copley Drive  
 Diamond Bar, CA 91765

I, \_\_\_\_\_, declare:  
 (Print Your Name)

1. I am the authorized representative of

\_\_\_\_\_  
 (Name of Gas Dispensing Facility (GDF))

I have full authority to agree to and sign this Stipulation on behalf of this GDF and legally bind it to the statements and agreements contained in this Stipulation.

This GDF has the following:

Address: \_\_\_\_\_

Facility ID No.: \_\_\_\_\_



My contact information is the following:

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

2. I request the GDF be substituted as a Respondent in this pending Petition for Stipulated Group Order for Abatement (Petition) proceeding. I further agree on behalf of the GDF that it:

(a) has been legally and properly served with a copy of this Petition and attached Proposed Order;

(b) agrees to the facts listed in the Petition;

(c) **knowingly and intelligently waives its rights to receive notice of the hearing;**

(d) agrees to have this matter placed on the Hearing Board's consent calendar;

(e) **knowingly and intelligently waives all rights to be present at the hearing upon which the Hearing Board may issue its Order for Abatement;** and

(f) agrees to be bound by the terms of the attached Proposed Order if issued, and acknowledges that failing to comply with those terms may subject the GDF to civil penalties of up to \$25,000 per day and/or shut-down of the GDF.

3. To allow this matter to proceed on the Hearing Board's consent calendar, the GDF and the SCAQMD further stipulate and agree, as follows:

(a) This matter may be placed on the Hearing Board's Consent Calendar at 9 a.m. on any date provided by the Hearing Board, such date being publicly available prior to the hearing.

(b) This Stipulation may be admitted into evidence regarding this matter.

(c) The GDF and the SCAQMD have agreed on the Proposed Order for execution by the Hearing Board, a copy of which is attached to the Petition.

(d) SCAQMD may provide additional evidence at the Consent Calendar proceeding as the Hearing Board may request to enable it to issue the Proposed Order.

(e) No nuisance violation under Health and Safety Code Section 41700 is expected to result from operation of this GDF while under the requested Order for Abatement.

4. By initializing here \_\_\_\_\_, I certify that my facility is currently permitted to operate equipment that is certified under CARB Executive Orders VR-205 or VR-209.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2010 at \_\_\_\_\_, California  
(date) (insert city)

\_\_\_\_\_  
(signature of authorized representative)

STIPULATED TO:

South Coast Air Quality Management District

By: \_\_\_\_\_  
Nicholas A. Sanchez, Senior Deputy District Prosecutor  
Attorney for Petitioner

## SETTLEMENT AGREEMENT

**WHEREAS**, the name of the gas dispensing facility (hereinafter “GDF”) is,

\_\_\_\_\_ located at

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**WHEREAS**, the South Coast Air Quality Management District (hereinafter “District”) is a political subdivision of the State of California created by the legislature to exercise responsibility for comprehensive air pollution control within Orange County and designated portions of Los Angeles, Riverside, and San Bernardino Counties, with its headquarters located at 21865 Copley Drive, Diamond Bar, California 91765-0940.

**WHEREAS**, the GDF is regulated and permitted by the District, and is subject to District Rules 461 and 203(b) as well as requirements adopted by the California Air Resources Board (hereinafter “CARB”), which are enforceable by the District.

**WHEREAS**, the GDF is subject to CARB’s requirements to install and successfully test a certified In-Station Diagnostic (ISD) system to monitor performance of gasoline storage, gasoline dispensing and vapor recovery equipment by September 1, 2010. The District issued a compliance advisory (Rule 461 Advisory 01-10) to remind operators of the upcoming deadline and to contact the District if they are experiencing difficulties in meeting the September 1, 2010 deadline for ISD. This requirement is embodied in Title 17 Section 94011 of the California Code of Regulations (CCR) as well as District Rules 461 (c)(2)(A), (e)(1) and 203(b).

**WHEREAS**, the GDF will not have installed and tested the necessary ISD system by September 1, 2010, so that its equipment will not be considered CARB certified as required by that date; so that it will be in continuing violation of the above-referenced requirements until it achieves full compliance with the ISD requirements.

**THEREFORE**, for good and valuable consideration, the GDF and the District (collectively referred to as the Parties) agree to the following:

### **LIMITATIONS OF AGREEMENT**

1. This Agreement will not be in effect if the District Hearing Board does not issue a Stipulated Order for Abatement against the GDF, if requested by the District.
2. This Agreement resolves **only** those violations associated with the failure, if any, to install and successfully test a certified ISD system by March 1, 2011, and the failure to install and operate an ISD system from September 1, 2010 to March 1, 2011; and **not** any other violations. The period of coverage for violations of the PII-EVR and ISD requirements between September 1, 2010 and March 1, 2011 may only be extended by mutual agreement in writing between the GDF and the District. Unless this Agreement is extended, operation of the GDF beyond March 1, 2011 is illegal and **the GDF will be subject to prosecution for the full amount of penalties allowed under the law as well as the possible tag-out or shut-down of the GDF.**
3. The March 1, 2011 date under Paragraph 2 is extended to three months from the date of the certification of an ISD system by CARB for facilities that are permitted to operate equipment covered by VR-205 and VR-209.

## **PENALTIES**

4. The GDF understands that its continuing violations are subject to penalties under state law of up to \$25,000 per day for each day of negligent emission violations. Except as provided under Paragraph 5, a penalty of \$500 shall be due and payable if the GDF installs and successfully tests a certified ISD system after October 31, 2010 through December 31, 2010; a penalty of \$1,000 shall be due and payable if the GDF installs and successfully tests a certified ISD system after December 31, 2010 through March 1, 2011. Facilities operating without the required ISD system after March 1, 2010 may be tagged out of service and subject to criminal and civil penalties.
5. For a GDF permitted to operate equipment covered under VR 205 and VR-209, a penalty of \$500 shall be due and payable if the GDF installs and successfully tests a certified ISD system after 2 months after the date the ISD was first certified to monitor the operation of the permitted equipment. Facilities permitted to operate Phase II EVR equipment covered under CARB Executive Orders VR-205 and VR209 that do not achieve compliance within 3 months of the certification date of the applicable ISD may be tagged out of service and subject to criminal and civil penalties.

## **FULL COMPLIANCE**

6. Within 5 calendar days after the GDF installs all required ISD system equipment by March 1, 2011, and successfully tests the installed equipment and system pursuant to District Rule 461(e), the GDF shall notify the District of the date that the GDF has achieved full compliance. Notification shall be made using the District form entitled, Statement of Full Compliance, and shall be submitted as directed on the form.

## **MISCELLANEOUS**

7. **Binding.** This Agreement shall be deemed to obligate, extend to, and insure to the benefit of the Parties to the Agreement, and the legal successors, assigns, transferees, grantees, and heirs of each such Party, including those who may assume any or all of the capacities described herein.
8. **Entire Agreement.** This Agreement constitutes an integrated contract expressing the entire agreement of the Parties hereto relative to the subject matter discussed herein. This Agreement supersedes all prior proposals, agreements, and understandings between the Parties and may not be changed or terminated orally, and no change, termination, or attempted waiver of any of the provisions hereof shall be binding unless in writing and signed by the Party against whom the same is sought to be enforced.
9. **Authority to Execute.** Each Party represents and warrants to the other Party that the signatories to the Agreement have been duly authorized to execute the Agreement on behalf of the entities identified below.
10. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same document. The Parties may execute and deliver this Agreement by transmitting an authorized signature by fax or .pdf via e-mail, and copies of this Agreement signed and delivered by means of faxed signatures or signatures in a pdf document shall have the same effect as copies executed and delivered with original signatures.
11. **Effective Date.** The effective date of this Agreement shall be the date upon which the last Party executes it.

**Mailing Address** Send all completed documents and payments to:  
**District Prosecutors Office**  
**In-Station Diagnostic**

**South Coast Air Quality Management District**  
**21865 Copley Dr**  
**Diamond Bar, CA 91765-9819**

IN WITNESS THEREOF, the Parties have executed this Agreement by their duly authorized representatives as of the date set forth below their respective signatures.

<b>SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT</b>		<b>NAME of GDF:</b>
Signature:		Signature:
Nicholas A. Sanchez		Print Name of Person Signing:
Senior Deputy District Prosecutor		Title of Person Signing:
Date:		Date:

### Statement of Full Compliance

I, \_\_\_\_\_, declare that:  
(Your Full Name)

1. I am the authorized representative of the gasoline dispensing facility, whose name is:

\_\_\_\_\_.

**WHEREAS**, the gas dispensing facility (hereinafter "GDF") is, located at

\_\_\_\_\_  
\_\_\_\_\_.

2. The above referenced facility has been retrofitted with a Phase II Enhanced Vapor Recovery system equipped with an In-Station Diagnostic (ISD) system that is certified by the California Air Resources Board (CARB);
3. On \_\_\_\_\_ (date), all tests as required by the CARB issued Executive Order under which the system is certified have been conducted, and the test results demonstrate the system has been properly installed.
4. This facility has achieved full compliance with the ISD requirement as required under California state laws, South Coast Air Quality Management District (AQMD) Rules 203(b) and Rule 461(c)(2), and the AQMD Hearing Board Stipulated Order for Abatement (if one has been issued against this facility).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2010 at \_\_\_\_\_, California  
(date) (insert city)

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

When completed, submit this notification to:

Preferred: e-mail address: [evrstipulatedoa@aqmd.gov](mailto:evrstipulatedoa@aqmd.gov)  
Facsimile No.: (909) 396-2481

Mailing Address: District Prosecutors Office  
In-Station Diagnostic  
South Coast Air Quality Management District  
21865 Copley Dr  
Diamond Bar, CA 91765-9819

OFFICE OF THE DISTRICT PROSECUTOR  
 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
 NICHOLAS A. SANCHEZ, SBN 207998  
 SENIOR DEPUTY DISTRICT PROSECUTOR  
 Email: nsanchez@aqmd.gov  
 21865 Copley Drive  
 Diamond Bar, California 91765  
 TEL: 909.396.3400 • FAX: 909.396.2961

Attorneys for Petitioner  
 South Coast Air Quality Management District

**BEFORE THE HEARING BOARD OF THE  
 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

In the Matter of

SOUTH COAST AIR QUALITY  
 MANAGEMENT DISTRICT,

Petitioner,

vs.

GAS DISPENSING FACILITIES, DOES 1-100

Respondents.

Case No.

**PETITION FOR STIPULATED GROUP  
 ORDER FOR ABATEMENT; PROPOSED  
 ORDER**

DATE:

TIME: 9:00 a.m.

PLACE: 21865 Copley Drive  
 Diamond Bar, CA 91765

Petitioner SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT states:

1. Petitioner is a body corporate and politic established and existing pursuant to Health and Safety Code §40000, et seq. and §40400, et seq., and is the sole and exclusive local agency with the responsibility for comprehensive air pollution control in the South Coast Basin.

2. Respondent currently owns, operates, leases or licenses for operation one or more gasoline dispensing facilities (“GDFs”), which are or will be in violation of the California Air Resources Board (“CARB”) requirements for In-Station Diagnostic (“ISD”) system. ISD is required to be installed and successfully tested on GDFs by September 1, 2010, pursuant to Title 17 Section 94011 of the California Code of Regulations (“CCR”) as well as District Rules 461(c)(2)(A) and (e). These requirements became

applicable to GDFs with underground storage tanks that have an annual throughput that exceeds 600,000 gallons of gasoline on September 1, 2010. An ISD system monitors the performance of the gasoline storage, gasoline dispensing and vapor recovery equipment. Each of these GDF's will be in continuing violation of Rule 203(b) by violating a permit condition contained in its respective permit that requires the GDF to be maintained to meet all CARB certification requirements.

3. In accordance with the advisory (Special Advisory # 419) issued by CARB on September 29, 2010, the AQMD petitions the Hearing Board for a group Stipulated Order for Abatement as described below to allow additional time for GDF's, which are subject to, but have not complied with the ISD requirement by September 1, 2010, to complete the installation and testing of the required equipment. A copy of CARB Special Advisory # 419 is attached hereto as Exhibit A.

4. Petitioner mailed or handed out Compliance Advisory # 01-10 on October 1, 2010 to GDF permit holders which were identified to be potentially subject to the ISD requirement as of September 1, 2010. A copy of Compliance Advisory # 01-10 is attached hereto as Exhibit B. On October 1 through 8, 2010, Petitioner mailed out a Notice to Comply by certified mail to GDF permit holders who had failed to install an ISD system and expressed interest in participating in the Proposed Group Stipulated Order For Abatement. A copy of that Notice is attached hereto as Exhibit C. The Notice to Comply provided the Respondent GDF permit holders with a participation submission deadline of October 12, 2010.

5. Petitioner seeks a stipulated Order for Abatement to require each Respondent, except for each Respondent described in Paragraph 6, to cease violation of the ISD requirement, which is embodied in 17 CCR §§ 94010-94011 and Rules 461 and 203(b), by either ceasing its non-compliant operations on or before March 1, 2011 or by taking the following actions:

a) Install a CARB certified ISD system and conduct all required testing at the earliest feasible date but no later than March 1, 2011, and

b) Notify the District within five (5) days of full compliance with this Order in the manner specified by the District.

6. Petitioner seeks a stipulated Order for Abatement to require each Respondent, that are permitted to operate equipment that are certified under CARB Executive Orders VR-203 and VR-205, to



cease violation of the ISD requirement, which is embodied in 17 CCR §§ 94010-94011 and Rules 461 and 203(b), by either ceasing its non-compliant operations within three months from the date an ISD system is certified by CARB for the equipment the Respondent is permitted to operate, or by taking the following actions:

a) Install a CARB certified ISD system and conduct all required testing at the earliest feasible date but no later than three months from the date an ISD system is certified by CARB for the equipment the Respondent is permitted to operate, and

b) Notify the District within five (5) days of full compliance with this Order in the manner specified by the District.

7. This Group Order for Abatement is not intended to be nor will it act as a variance as to any Respondent.

8. Respondents' operation under the proposed Order is not expected to result in a violation of Health and Safety Code § 41700.

WHEREFORE, the District prays that the Hearing Board issues an Order for Abatement in substantially the same form as attached.

Dated: October \_\_\_, 2010

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT  
DISTRICT PROSECTUOR'S OFFICE  
NANCY S. FELDMAN, District Prosecutor

By: \_\_\_\_\_  
Nicholas A. Sanchez, Senior Deputy District Prosecutor  
Attorney for Petitioner

**ORDER (Proposed)**

WHEREAS, expeditious compliance with the Phase II EVR and In-Station Diagnostic (“ISD”) requirements adopted by the California Air Resources Board (“CARB”) is beneficial to the public in that compliance will further reduce gasoline vapor emissions that form ozone;

WHEREAS, the South Coast Air Basin is in serious non-attainment of the federal health-based standard for ozone;

THEREFORE, pursuant to District Rule 806(b), and the Stipulations between the Executive Officer and each of the Respondents, individually listed in the attached Exhibit, the Hearing Board of the South Coast Air Quality Management District orders each listed Respondent to cease receiving, dispensing and storing gasoline at its Gasoline Dispensing Facility (“GDF”), or, in the alternative, comply with the following conditions:

1. Install and successfully test a certified ISD system to monitor performance of gasoline storage, gasoline dispensing and vapor recovery equipment as required by Title 17 Section 94011 of the California Code of Regulations as well as District Rules 461 (c)(2)(A), (e)(1) and 203(b), at the earliest feasible date but no later than March 1, 2011.

2. Within 5 calendar days after the GDF installs all required ISD system and successfully tests the installed equipment and system pursuant to District Rule 461(e), the GDF shall notify the District of the date that the GDF has achieved full compliance. Notification shall be made using the District form entitled, Statement of Full Compliance, and shall be submitted as directed on the form.

3. The March 1, 2011 deadline under Paragraph 1 is extended to three months from the date of the certification of an ISD system by CARB for facilities that are permitted to operate equipment covered by CARB Executive Orders VR-205 and VR-209.

The Hearing Board shall retain jurisdiction over this matter until July 31, 2011 at which time this Order for Abatement, if it has not been properly extended, shall expire.

**IT IS SO ORDERED.**

FOR THE BOARD: \_\_\_\_\_

DATED: \_\_\_\_\_